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MAR 23 2005



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Attorneys for Plaintiffs

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

CHARLES ARNOLD, MARICOPA PUBLIC
FIDUCIARY, as guardian and next friend on
behalf of JOHN GOSS; NANCY E. ELLISTON,
as guardian, Maricopa County conservator and
next friend on behalf of CLIFTON DORSETT and
as next friend on behalf of RICHARD
SCHACHTERLE and SUSAN SITKO; TERRY
BURCH; and on behalf of all others similarly
situated,

Plaintiffs,

v.

ARIZONA DEPARTMENT OF HEALTH
SERVICES, ARIZONA STATE HOSPITAL,
MARICOPA COUNTY BOARD OF
SUPERVISORS, JANET NAPOLITANO,
GOVERNOR OF ARIZONA,

Defendants.

Maricopa County
No. C-432355

STIPULATION FOR
PARTIAL DISENGAGEMENT
FROM ¶¶ 12, 24, 26 AND
APPENDIX C.1 OF EXIT
STIPULATION AND ¶¶ 13-16
AND 24 OF SUPPLEMENTAL
AGREEMENT

(Assigned to the Honorable
Bernard J. Dougherty)

1 Plaintiffs, Defendant Arizona Department of Health Services and Arizona State
2 Hospital (ADHS) and Defendant Governor Janet Napolitano (Governor), through
3 their undersigned counsel, hereby stipulate to the following:

4 1. On February 8, 2005, the ADHS filed a Motion for Disengagement and
5 Partial Satisfaction of Judgment pursuant the Joint Stipulation on Exit Criteria and
6 Disengagement (Exit Stipulation) ¶ 43 seeking partial disengagement from the following
7 twelve (12) Exit Stipulation and Supplemental Agreement provisions:

8 (a) Exit Stipulation ¶ 11 (creation of community living arrangements and
9 appropriate supports, ASH civil census, and discharge of individuals with lengths of stay
10 more than one year);

11 (b) Exit Stipulation ¶ 12 (movement of ASH funds to community);

12 (c) Exit Stipulation ¶ 17 (admission to supervisory care homes);

13 (d) Exit Stipulation ¶ 24 (crisis network expenditures and development);

14 (e) Exit Stipulation ¶ 26 (admissions and readmissions to ASH);

15 (f) Exit Stipulation ¶ 27 (unnecessary admissions and lengths of stay at ASH);

16 (g) Exit Stipulation, Appendix C.1 (95% of priority clients have case
17 managers);

18 (h) Supplemental Agreement ¶¶ 13-16 (HSRI and development of Service
19 Capacity attachment and amendment) and

20 (i) Supplemental Agreement ¶ 24 (Case Management Plan).

21 2. Pursuant to Exit Stipulation ¶ 43, the parties and the Monitor have met and
22 conferred in detail on each of the provisions for which the Defendants seek a
23 determination of compliance.

24 3. Pursuant to Exit Stipulation ¶ 43, the Monitor has determined and the
25 Plaintiffs have agreed that the Defendants are in compliance with the following nine (9)

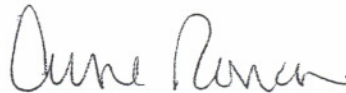
1 provisions: Exit Stipulation ¶¶ 12, 24, 26 and Appendix C.1 and Supplemental
2 Agreement ¶¶ 13-16 and 24.

3 4. At this time, ADHS has agreed to withdraw its Motion for Disengagement
4 and Partial Satisfaction of Judgment on the remaining three (3) provisions: Exit
5 Stipulation ¶¶ 11, 17 and 27.

6 5. Pursuant to Exit Stipulation ¶ 43, the Court has the authority to enter the
7 following orders:

- 8 (a) Defendants have complied with the requirements of Exit Stipulation ¶¶ 12,
9 24, 26 and Appendix C, Item 1 and Supplemental Agreement ¶¶ 13-16 and
10 24;
- 11 (b) Partial satisfaction of judgment is granted for Defendants with respect to
12 Exit Stipulation ¶¶ 12, 24, 26, Appendix C, Item 1 and Supplemental
13 Agreement ¶¶ 13-16 and 24; and
- 14 (c) For the term of this action and until the Court enters full and final
15 satisfaction of judgment for Defendants as provided in Exit Stipulation
16 ¶ 50, Defendants will use their best efforts to maintain and continue the
17 actions and procedures which led to compliance with the provisions in
18 ¶ 5(b) above.

19 **RESPECTFULLY SUBMITTED** this 23rd day of March, 2005.

20
21 

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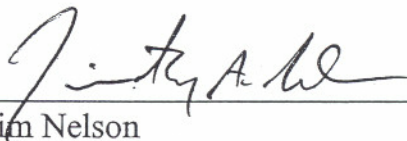
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10 *Attorneys for Plaintiffs*

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15 Phoenix, Arizona 85007

16 *Attorneys for ADHS*

17 

18 Tim Nelson
19 General Counsel
20 Governor Janet Napolitano
21 1700 West Washington
22 9th Floor
23 Phoenix, Arizona 85007

24 *Counsel for the Governor*

25 **ORIGINAL** of the foregoing
filed this 3rd day of March,
2005 with:

Clerk of the Superior Court
201 W. Jefferson
Phoenix, Arizona 85003

1 **COPY** of the foregoing hand
2 delivered this 23rd day of
3 March, 2005 to:

4 The Honorable Bernard J. Dougherty
5 Superior Court of Maricopa County
6 201 W. Jefferson
7 Suite 4A
8 Phoenix, AZ 85003
9 Attention: Cheryl - Judge Colin Campbell

10 **COPY** of the foregoing mailed this 23rd day
11 of March, 2005 to:

12 Robert J. Sorce
13 Office of the Attorney General
14 1275 W. Washington
15 Phoenix, AZ 85007

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18 General Counsel
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CHARLES ARNOLD, MARICOPA PUBLIC)
FIDUCIARY, as guardian and next friend on)
behalf of JOHN GOSS; NANCY E. ELLISTON,)
as guardian, Maricopa County conservator and)
next friend on behalf of CLIFTON DORSETT and)
as next friend on behalf of RICHARD)
SCHACHERLE and SUSAN SITKO; TERRY)
BURCH; and on behalf of all others similarly)
situated,)

Plaintiffs,)

v.)

ARIZONA DEPARTMENT OF HEALTH)
SERVICES, ARIZONA STATE HOSPITAL,)
MARICOPA COUNTY BOARD OF)
SUPERVISORS, JANET NAPOLITANO,)
GOVERNOR OF ARIZONA,)

Defendants.)

Maricopa County
No. C-432355

**ORDER PURSUANT TO
STIPULATION FOR PARTIAL
DISENGAGEMENT FROM
¶¶ 12, 24, 26 AND APPENDIX
C.1 OF EXIT STIPULATION
AND ¶¶ 13-16 AND 24 OF
SUPPLEMENTAL
AGREEMENT**

(Assigned to the Honorable
Bernard J. Dougherty)

1 Pursuant to ¶ 43 of the Joint Stipulation on Exit Criteria and Disengagement (Exit
2 Stipulation) and the Stipulation for Partial Disengagement from ¶¶ 12, 24, 26 and
3 Appendix C.1 of Exit Stipulation and ¶¶ 13-16 and 24 of Supplemental Agreement
4 jointly filed by Plaintiffs and Defendants Arizona Department of Health Services and the
5 Arizona State Hospital (ADHS) and Governor Janet Napolitano (Governor):

6 **THE COURT APPROVES** the Stipulation and hereby **ORDERS** :

- 7 (a) Defendants have complied with the requirements of Exit Stipulation ¶¶ 12,
8 24, 26 and Appendix C, Item 1 and Supplemental Agreement ¶¶ 13-16 and
9 24;
- 10 (b) Partial satisfaction of judgment is granted for Defendants with respect to
11 Exit Stipulation ¶¶ 12, 24, 26, Appendix C, Item 1 and Supplemental
12 Agreement ¶¶ 13-16 and 24; and
- 13 (c) For the term of this action and until the Court enters full and final
14 satisfaction of judgment for Defendants as provided in Exit Stipulation
15 ¶ 50, Defendants will use their best efforts to maintain and continue the
16 actions and procedures which led to compliance with the provisions in
17 (b) above.

18 SIGNED this 24th day of march, 2005.

20 Bernard J. Dougherty
21 Honorable Bernard J. Dougherty
22 Maricopa County Superior Court

23 / / /

24 / / /

1 **ORIGINAL** of the foregoing
2 Lodged this 23rd day of March,
3 2005 with:

4 The Honorable Bernard J. Dougherty
5 Superior Court of Maricopa County
6 201 W. Jefferson
7 Suite 4A
8 Phoenix, AZ 85003
9 Attention: Cheryl - Judge Colin Campbell

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11 day of March, 2005 to:

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23 By: 
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